

220654



Gabriel S Meyer  
Assistant General Attorney

November 7, 2007

**Via Electronic Filing**

The Honorable Vernon Williams  
Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

**RE: STB Docket No. AB-33 (Sub-No. 247X), Proposed Abandonment of  
the Homedale Industrial Lead, from Milepost 2.0 to Milepost 11.4**

Dear Secretary Williams

Union Pacific Railroad Company ("UP") has received a copy of a request for the issuance of a Public Use Condition, pursuant to 49 C F R § 1152.28, from Malheur County, Oregon. The request relates to a portion of UP's 9.4-mile line known as the Homedale Industrial Lead, which UP proposes to abandon. The requested Public Use Condition relates to a portion of the line, extending from Milepost 6.35 to Milepost 8.16, a distance of 1.81 miles in Malheur County, Oregon.

UP is willing to negotiate with the County concerning the acquisition of the subject property for public use and supports the request to negotiate for a period of 180 days from the effective date of the abandonment authorization. A copy of Malheur County's request is attached to this letter.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Gabriel S. Meyer".

Gabriel S Meyer

Attachment

cc Dan P. Joyce, Malheur County Court Judge (via First Class Mail)



# MALHEUR COUNTY

COUNTY COURT

251 B Street West, #5 — Vale, Oregon 97918 — (541) 473-5124 — Fax (541) 473-5168

October 22, 2007

The Honorable Vernon Williams  
Secretary  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20423-0001

REC'D UPRR  
OCT 25 2007  
LAW DEPT.

RE: Docket No. AB-33 (Sub-No 247X)--Abandonment of the Homedale  
Industrial Lead

Dear Secretary Williams:

This request is filed on behalf of the Malheur County Court, which is the government agency interested in transportation in the area affected by the above referenced abandonment, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition rather than an outright abandonment between MP 6.35 and MP 8 16.

## Request for Public Use Condition

Proponent asks the STB to find that the identified property is suitable for other public use, specifically an existing public road, a portion of which is currently under lease from the Union Pacific Railroad (UPRR), and to place the following conditions on the abandonment.

1 An Order prohibiting the carrier from disposing of that portion of the corridor, specified above, other than the tracks, ties and signal equipment Malheur County and the Nyssa Road District are beginning negotiations with UPRR to acquire a permanent easement and is hopeful that negotiations will be successful. However, given that UPRR is requesting a Petition to Exempt the Abandonment, the time to negotiate before the effective date of the abandonment is very brief For

that reason, the Proponent believes it is prudent to ask the STB for 180 days to negotiate the permanent easement.

2. An Order barring removal of any shared structures, such as culverts, within the specified corridor without consultation with the County Engineer. The justification for this condition is that certain shared structures are critical for maintaining the existing roadway. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

A map depicting the requested right-of-way is attached

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan P. Joyce". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dan P. Joyce

Malheur County Court Judge

Attachment

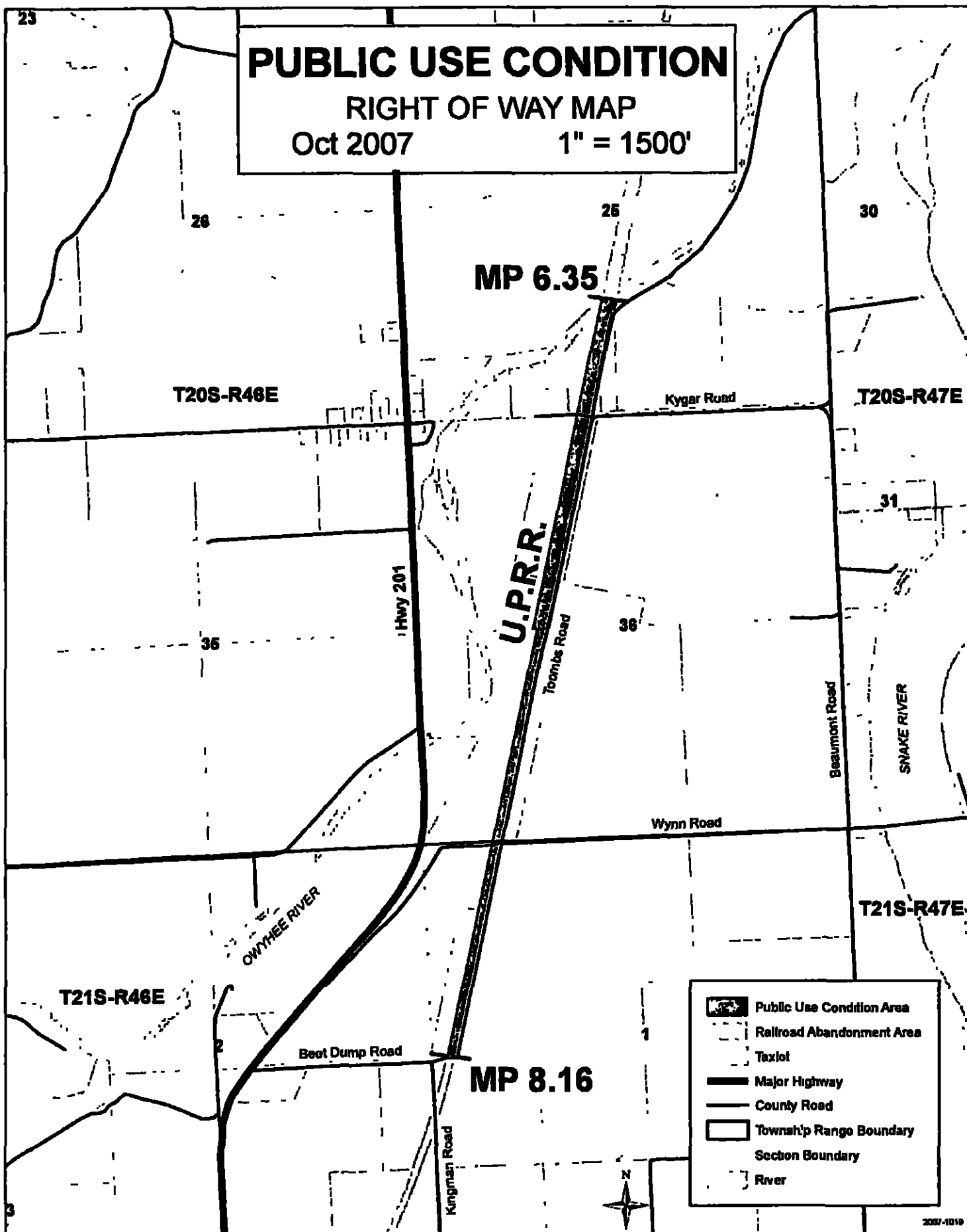
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# PUBLIC USE CONDITION

## RIGHT OF WAY MAP

Oct 2007

1" = 1500'



## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the Request for Public Use in the Docket No AB 33(Sub-No 247X) for the Homedale Industrial Lead in Malheur County, Oregon was served by first class mail on the 22<sup>nd</sup> day of October, 2007 on the following:

1. UNION PACIFIC RAILROAD COMPANY

Gabriel S Meyer

Assistant General Attorney

1400 Douglas Street

STOP 1580

Omaha, NE 68179

Dated this 22<sup>nd</sup> day of October, 2007

  
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Kim Mason